



I Am a U.S. Citizen...

A3



How Do I...Adopt a Child From Overseas, or Help My Adopted Child Become a Permanent Resident of the United States?



U.S. Citizenship
and Immigration
Services

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Adopting a child is a major decision. We have several programs to help. The first thing to understand is that there are significant differences between an orphaned child and other children who may be adopted. There are also important differences between adopting a child through our orphan adoption program and adopting a child outside of that program.

Adopting an orphan

For a child to be considered an orphan under U.S. immigration law, he or she must meet very specific criteria.

We have an orphan adoption program for United States (U.S.) citizens who want to adopt an orphaned child from overseas. This program has extensive requirements designed to protect the orphan and to avoid child trafficking. However, once eligibility is established, it also has special procedures that let the child come to the U.S. much faster than children adopted overseas through other means. In fact, under this program once an adoption is finalized and the child has immigrated, the child may automatically become a U.S. citizen.

Adoptions made without using the orphan program

If you adopt a child, but did not use the orphan adoption program, then he/she is considered to be your child for immigration purposes once the two of you meet certain requirements:

- The adoption must be finalized before the child turns 16 (or 18, if you also adopted a biological sibling of the child before the sibling was age 16); and
- He/she must have lived with you for at least 2 years, either before or after adoption; and
- He/she must have been in your legal custody for at least 2 years, either before or after adoption.

When all of these requirements are met, you can file **Form I-130, Petition for Alien Relative**, for him or her. See **Fact Sheet A1** for more information about relative petitions. However, while this option does not have all the rules of the orphan adoption program, under this option you cannot sponsor the child's immigration until these requirements are met. You cannot combine these programs. You

cannot adopt a child and then try to use the orphan program. That program is only available to orphans waiting to be adopted, not to children already adopted.

Who can use the orphan adoption program?

You must be a U.S. citizen and if unmarried be at least 25 years old. If you are married, you and your spouse must go through the immigration and adoption process together. You must meet the extensive requirements of this program that are designed to protect the orphan. For example, every adult member of your household will have to be fingerprinted, and we will conduct background and criminal checks. There will also have to be a home study.

How do I apply under the orphan adoption program?

We know that once you identify an orphan, you want to get the process completed as soon as possible. Speed is important, for both you and the orphan. But a full review of eligibility, and of your fitness to adopt a child, is equally important to the orphan's welfare.

To best balance these needs, we offer you a choice of how to apply.

- **If the child has not yet been identified**, you can get a lot of the steps out of the way early so that you do not have to start from the beginning once a child is identified. Getting your home study completed, documents, background and criminal checks, and our review of your eligibility are often the things that take the most time. You can get these out of the way early by using our two-step process.
1. Step one is filing a **Form I-600A, Application for Advance Processing of Orphan Petition**. The I-600A focuses on your qualifications, and, if you are married, those of your husband or wife. With the home study and similar reviews out of the way, and your advance-processing application approved, you are ready to petition for the orphan once he/she is identified. Please note that USCIS cannot approve the application for advanced processing using I-600A until the home study has been approved and forwarded to us by the home study preparer. Petitioners often are unaware that the home study preparer has not yet forwarded a home study to USCIS.



2. After the I-600A application for advanced processing is approved and you identify a child, you take the second step, which is to file **Form I-600, *Petition to Classify Orphan as an Immediate Relative***. With your I-600A application for advanced processing already approved, our review here focuses on the child's situation and eligibility as an orphan. Once we approve the I-600, we will notify the U.S. Consulate/Embassy so it can issue a visa to the child so he/she can come to the U.S. If you plan on traveling abroad to find the orphan you wish to adopt, we strongly recommend you file your I-600A application for advanced processing and wait for it to be approved before you travel. The forms are available on our website.

• **Your second option is to wait until a child is identified.**

This sounds simpler because you only file the I-600, and do everything in one step. However, that means the procedures that often take the most time, such as the home study, background and criminal checks, and our review, must be done while the child waits overseas. Once we approve the I-600, we will notify the U.S. Consulate/Embassy so they can issue a visa so the child can come to the U.S. If you plan on traveling abroad to find the orphan you wish to adopt, we strongly recommend you file an I-600A application for advanced processing and wait for it to be approved before you travel. The forms are available on our website.

How old can an orphan be and still be eligible under this program?

Adoptions, if not done through the orphan program, must be completed before the child is 16 years old in order for the child to get any benefits as a child under immigration law. If you adopt through the orphan program, the I-600 must be properly filed before the child turns 16 years old.

- The only exception to this is if the child being adopted is the biological brother or sister of a child that you have already adopted. In that case, the sibling adoption must be completed before that child turns 18.

What happens after the Form I-600 orphan petition is approved?

Once the I-600 is approved, we will notify the U.S. Consulate/Embassy so it can issue the proper visa so the child can enter the U.S. With the I-600 approved, you can either go overseas and complete the adoption there, or you can bring the orphan to the U.S. and complete the adoption here. Whether you are required to complete the adoption overseas, or are able, the U.S. Embassy or Consulate will issue the child an immigrant visa, and he/she will enter the U.S. as a permanent resident.

- If you complete the adoption before the child enters the U.S., and you and your spouse have personally seen the orphan prior to or during the adoption proceeding abroad, then he/she will automatically become a U.S. citizen when admitted with the immigrant visa. He/she will then be processed to receive a certificate of citizenship instead of a permanent resident card.
- If you wait to complete the adoption in the U.S., the child will become a permanent resident when admitted with the immigrant visa. He/she will automatically become a U.S. citizen when you finalize the adoption, so long as you finalize it before he/she turns 16. After you finalize the adoption, you can apply for a certificate of citizenship for your newly adopted child on **Form N-600, *Application for Certification of Citizenship***.

How can a child I adopted outside the orphan adoption program become a U.S. citizen?

You cannot use the orphan program for a child you have already adopted because that program is designed for an orphan. However, once your adopted child qualifies as your child for immigration purposes (see the prior page for more information) you can file an I-130 relative petition. Your adopted child will automatically become a U.S. citizen if, before he/she turns 18, he/she becomes a permanent resident. If he/she does not meet these requirements before turning 18, then after he/she reaches 18 and has been a permanent resident for 5 years, he/she can choose to apply for naturalization.

For more information about our orphan adoption program and about adopting children from other countries, please see our manual **M-249, *The Immigration of Adopted and Prospective Adoptive Children***. It is available on our website, or by calling customer service. Many state and local government social service agencies also provide information and assistance for anyone interested in adopting a child.

Key Information

Key forms referenced in this Fact Sheet	Form #
Petition for Alien Relative	I-130
Application for Advance Processing of Orphan Petition	I-600A
Petition to Classify Orphan as an Immediate Relative	I-600
Application for Certification of Citizenship	N-600
Manual-The Immigration of Adopted and Prospective Adoptive Children	M-249

USCIS

• **On the Internet at: uscis.gov**

For more copies of this Fact Sheet, or information about other citizenship and immigration services, visit our website. You can also download forms, e-file some applications, check the status of an application, and more. It's a great place to start! If you don't have Internet access at home or work, try your library. If you can't find what you need, call customer service.

• **Customer Service: 1-800-375-5283**

- Hearing Impaired TDD Customer Service: 1-800-767-1833

Disclaimer: This Fact Sheet is a basic guide to help you become generally familiar with our rules and procedures. For more information, or the law and regulations, see our website. Immigration law can be complex, and it is impossible to describe every aspect of every process. You may wish to be represented by a licensed attorney or by a nonprofit agency accredited by the Board of Immigration Appeals.

Other U.S. Government Services—click or call

In general	www.firstgov.gov	1-800-333-4636
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